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09/988,921	11/19/2001	Toni Paila	4208-4061	9368

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,921

Applicant(s)

Toni PAILA

Examiner

Naghmeh Mehrpour

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other:

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### Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure 2

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 15, 18-20, 22-25, 27, 30-32, 34-39, 42-48,** are rejected under 35 U.S.C. 102(e) as being unpatentable over Bender et al.(US 2003/003909 A1) *Keramen*

Regarding **claims 15, 27, 37**, Bender teaches method/apparatus of accessing a communication channel from a plurality of communication channels within a network with a mobile terminal capable of receiving at least one signal from at least one of the communications channels within the network (see figure 1), the method comprising:

identifying at least one communication channel that is transmitting signals receivable by the mobile terminal, accessing a first communication channel that is transmitting at least one signal receivable by the mobile terminal, receiving first signals from the first communications channel; searching in the first signals for redirection information (page 7 section 0128),

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selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time (page 1 section 0013, page 7 section 0135),

selecting and accessing a third communication channel if the redirection information is not received within the first period of time (page 1 section 0011, page 7 section 0130).

Regarding **claims 18, 42**, Bander teaches method wherein the mobile terminal selects the second communication channel if the redirection information is received within the first period of time, and the mobile terminal is in a selectable mode (page 3 section 0128).

Regarding **claims 19, 31**, Bender teaches a method wherein the mobile terminal selects the second communication channel if the redirection information is received within the first period of time (page 7 sections 0129), wherein the first period of time directly follows initializing the mobile terminal (page 5 sections 0083-0084, page 7 sections 0132-133).

Regarding **claim 20**, Bander teaches method wherein the first period of time is determined by a number of the plurality of communication channels (page 7 section 0130).

Regarding **claim 22**, Bander teaches wherein the redirection information is transmitted at a first interval on at least one communication channel (page 7 section 0129).

Regarding **claims 23, 35**, Bender teaches wherein the first interval on at least one communication frequency does not equal a second interval on at least one other communication frequency from

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the plurality of communication frequency, wherein the redirection information is transmitted at the second interval (page 5 section 0092).

Regarding **claim 24**, Bander teaches wherein at least one communication channel is a specific frequency (page 4 section 0074).

Regarding **claim 25**, Bander teaches wherein the first communication channel is second communication channel (page 7 section 0128).

Regarding **claim 30**, Bender teaches a method wherein the mobile terminal selects the second communication frequency if the redirection information (pointer data) is received within the first period of time, and the mobile terminal is in a selectable mode (page 4 section 0074, page 5 section 0084, page 7 section 0133). Page 4 section shows that the control channel use frequency for carry information. Page 5 section 0084 shows that when the mobile (access terminal) is in slotted mode operation that monitors a selected set of slots. Page 7 section 00133 shows that when control channel carry the up-date parameter. Therefore, mobile stop monitoring, and use the information in the second frequency for updating.

Regarding **claims 32, 38-39**, Bander teaches a method of telecommunication system comprising: transmitting a broadcast information using a first protocol together with first pointer data on each of a first plurality of channels, the first pointer data identifying a first channel containing a plurality of information identifying the information transmitted on each of the first plurality of channels (page 4 section 0062), and

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transmitting a information using a second protocol together with second pointer data on each of a second plurality of channels, the second pointer data identifying a second channel containing a plurality of information identifying the services transmitted on each of the second plurality of channels (page 6 section 0128). Bender fails to teach that the broadcast information are service providers and the second channel information are the selected service provider by the user. However Keronen teaches a method providing broadcast service provider information to a mobile station on the first channel, and the identities of service providers located within the base station region is provided to the mobile station (abstract) on the first channel. Keronen second channel (control channel) contains service providers that user selects. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Bender with Keronen, in order to increase the amount of time a mobile station may remain standby or sleep mode, therefore, conserving battery power.

Regarding **claim 34**, bender teaches wherein the redirection information frequency is transmitted at a first interval on one communication frequency (page 5 section 074, page 7 section 0133).

Bender teaches that access network (base station) use a frequency for control channel, because of structure of the physical layer. Bender further shows that when access terminal stop monitoring the control channel, because it received the up date parameter at the first interval.

Regarding **claim 36**, Bender teaches a method wherein the first communication frequency is the second communication frequency (page 7 section 0133). Bender teaches receiving information in

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the first interval, therefore, by initialization, mobile transmit access channel to the base station (access network) which identifies the frequency of the control channel.

Regarding **claims 43-44**, Bender teaches an article of manufacture, comprising: a computer readable medium including instructions for: transmitting a service on a first channel; and transmitting pointer data on the first channel, wherein the pointer data identifies a second channel on which a service announcement identifying the service transmitted on the first channel is located (page 9 claim 21).

Regarding **claims 45-46**, Bender teaches an article of manufacture, comprising: a computer readable medium including instructions for: transmitting a service on a first channel; and transmitting a service using a second protocol together with second pointer data on each of the second plurality of channels (page 9, claims 21-23), the second pointer data identifying a second channel containing a plurality of service announcement identifying the services transmitted on each of the second plurality of channels (page 7 section 0134).

Regarding **claims 47-48**, Bender teaches an article of manufacture, comprising: a computer readable medium including instructions for identifying at least one communication channel that is transmitting signals receivable by the mobile terminal, accessing a first communication channel that is transmitting at least one signal receivable by the mobile terminal, receiving first signals from the first communications channel (page 3 page 0035), searching in the first signals for redirection information, selecting and accessing a second communication channel from the

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plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time (page 9 claims 21-23, and selecting and accessing a third communication channel if the redirection information is not received within the first period of time (page 9 claims 21, 25-27).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 21, 23,** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bender et al.** (US 2003/003909 A1) in view of the admitted prior art.

Regarding **claims 21, 33**, Bender does not specifically mention that the third communication channel is selected randomly from the plurality of communication channels. However the admitted prior art teaches the communication channel is selected randomly from the plurality of communication channels (page <sup>2</sup> lines 21-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of the admitted prior art to the combination of Bender <sup>7</sup> ~~Wright~~, in order to enable users to select any of the existing channels for the purpose of obtaining identified service provider.



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6. **Claims 1-4, 6-8, 10-12, 14, 26, 28-29, 40-41,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bender et al. (US 2003/0016702)A1 in view Keronen et al.( US 2003/00039039).

Regarding **claims 1, 3, 6**, Bender teaches telecommunication system comprising: transmitting a service on a first channel (page 3 section 0036); and transmitting pointer data on the first channel (page 4 section 0062), first channel which is broadcast <sup>1,</sup>channel transmit the essential parameters over the control channel (page 4 section 0062), wherein the pointer data identifies (essential parameter) a second channel (control channel), in the second channel (control channel) send the <sup>?</sup> on which initial overhead/AT-directed package identified up-to-date overhead parameters on the first channel is located (page 6 section 0128). Bender fails to teach that the broadcast information are service providers and the second channel information are the selected service provider by the user. However Keronen teaches a method providing broadcast service provider information to a mobile station on the first channel, and the identities of service providers located with in the base station region is provided to the mobile station (abstract) on the first channel. Keronen second channel (control channel) contains service providers that user selects (page 3 section 0024).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Bender with Keronen, in order to increase the amount of time a mobile station may remain standby or sleep mode, therefore, conserving battery power.

? text  
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Regarding **claims 2, 8**, Bender teaches a method wherein the first and the second channel are frequencies (page 4 section 0074, page 5 section 0088).

Regarding **claims 4, 26, 41**, Bender fails to show that a method wherein the service announcement broadcast channel (access channel) further identifies the frequency of the channel corresponding to the service. Bender teaches a method wherein the broadcast channel(access channel) identify the control channel (page 4 section 0074). However Keronen teaches a method providing location service provider information to a mobile station. The identities of service providers located with in the base station region is provided to the mobile station (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Bender with Keronen, in order to increase the amount of time a mobile station may remain standby or sleep mode, therefore, conserving battery power.

Regarding **claim 7**, Bender fails to teach a system wherein each of the plurality of channels includes the channel containing the service announcement. However Keronen teaches a system wherein each of the plurality of channels includes the channel containing the service announcement (page 2 section 0011). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Bender with Keronen, in order to increase the amount of time a mobile station may remain standby or sleep mode, therefore, conserving battery power.

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Regarding **claims 10, 28-29**, Bender fails to teach wherein the pointer data includes information sufficient to permit a mobile terminal to access the service announcement. However Keronen teaches a method wherein the pointer data includes information sufficient to permit a mobile terminal to access the service announcement (page 2 section 0011). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Bender with Keronen, by transmitting the information to the user providing more convenient system to use.

Regarding **claims 11, 40**, Bender teaches a method wherein the information include : a frequency (page 4 section 0074, page 5 section 0088).

Regarding **claims 12, 14**, Bander teaches a method of telecommunication system comprising:

transmitting a broadcast information using a first protocol together with first pointer data on each of a first plurality of channels, the first pointer data identifying a first channel containing a plurality of information identifying the information transmitted on each of the first plurality of channels (page 4 section 0062), and

transmitting a information using a second protocol together with second pointer data on each of a second plurality of channels, the second pointer data identifying a second channel containing a plurality of information identifying the services transmitted on each of the second plurality of channels (page 6 section 0128). Bender fails to teach that the broadcast information are service providers and the second channel information are the selected service provider by the

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user. However Keronen teaches a method providing broadcast service provider information to a mobile station on the first channel, and the identities of service providers located within the base station region is provided to the mobile station (abstract) on the first channel. Keronen second channel (control channel) contains service providers that user selects. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Bender with Keronen, in order to increase the amount of time a mobile station may remain standby or sleep mode, therefore, conserving battery power.

Regarding **claims 16-17**, Bender fails to teach wherein one service announcement for at least one communication channel transmits over the second communication channel. However Keronen teaches wherein one service announcement for at least one communication channel transmits over the second communication channel (page 3 section 0028). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of Bender with Keronen, in order to increase the amount of time a mobile station may remain standby or sleep mode, therefore, conserving battery power.

7. **Claims 5, 9, 13**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bender <sup>Keronen</sup> et al. (US 2003/003909 A1) and Keronen et al. <sup>Bender</sup> (US 2003/0016702) A1 in view of the admitted prior art.

Regarding **claims 5, 9, 13**, the combination of Bender and Keronen fails to teach a method wherein the first protocols and the second protocol are: DVB, DAB. However the admitted prior

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art teaches wherein the first protocols and the second protocol are: DVB, DAB (page 1 lines 8-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching of the admitted prior art with the combination of Bender and Keronen, in order to provide a system that can handle the operation of digital video broadcasting, therefore, provide more flexibility for the user.

#### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Chander et al.**(US Patent 5,909,651) disclose broadcast short message service architecture

**Hile et al.** (US Patent 6,532,368 B1) disclose service advertisements in wireless local networks

**Gustafsson** (US Patent Number 6,351,647 B1) disclose location dependent services in a mobile communication system

**Wolzien** (US Patent Number 6,233,736 B1) disclose media online service access system and method

9. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

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(703) 872-9314, (for formal communications indented for entry)

**Or:**

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, William Trost can be reached (703)308-5318.

NM

June 3, 2003

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600